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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,734	09/17/2003	Toukichi Ichige	4495-053	2656

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EXAMINER

GORMAN, DARREN W

ART UNIT PAPER NUMBER

3752

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/663,734	Applicant(s) ICHIGE, TOUKICHI	
	Examiner Darren W Gorman	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 2,4 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/16/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 2, 4 and 7 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 15, 2004.

Information Disclosure Statement

2. The IDS filed on February 16, 2005 is hereby acknowledged and has been placed of record. Please find attached a signed and initialed copy of the PTO 1449.

Drawings

3. The replacement drawings were received on April 25, 2005. These drawings are not acceptable. NOTE: Several of the following objections to the drawings were previously stated in the Office Action mailed January 25, 2005, but were not fully addressed in the reply filed April 25, 2005.

The drawings are objected to for multiple reasons, as specified below.

- In numerous instances throughout the drawings, reference numbers appear on the pages randomly. In many cases, the numbers include lead lines, which point to nothing. For example, in Figure 2, the lead lines for reference characters "2", "2a", "8", and "A" point to nothing but the empty space around the actual drawing. This above example is NOT to be construed as an exhaustive list of all such instances, as there are many throughout

the replacement sheets submitted. Applicant must thoroughly review all of the drawings and make amendments wherever appropriate. See 37 CFR 1.84 (q)-(r)

- In numerous instances, reference numbers appear to indicate multiple elements between different drawings. For example, reference number “2b” indicates random empty space outside of the drawing in Figure 4A, and reference number “2b” in Figure 4B seems to indicate a portion of the spray plate. Then in Figures 7A and 7B, reference number “2b” points to different seemingly random empty spaces around the handle of each of the drawings. Although it is not clear what reference number “2b” is referring to in some of these instances because some of the “2b” reference characters have seemingly random lead lines, the same reference character must never be used to designate different parts. This above example is NOT to be construed as an exhaustive list of all such instances. Applicant must thoroughly review all of the drawings and make amendments wherever appropriate. See 37 CFR 1.84 (p)
- In numerous instances, reference numbers appear to designate parts that are not consistent with the specification. For example, lead lines for reference number “2a”, which is supposed to designate the “water-releasing face” of the apparatus, appear to point to different places in different drawings. In Figure 1, “2a” appears to designate an axis line. In Figure 2, “2a” appears to designate nothing. A further example is seen with regard to reference number “2c” which is supposed to designate “water releasing holes” of the apparatus. Reference number “2c” appears to designate a portion of the spray plate of Figure 4B, a portion of a neck of a showerhead in Figure 6C, a portion of a showerhead handle in Figure 7A, and two different portions of a showerhead handle in

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Figure 8A. These examples are NOT to be construed as an exhaustive list of all such instances, since there are multiple instances where reference numbers appear to be used inconsistently in view of the specification. Applicant must thoroughly review all of the drawings and make amendments wherever appropriate. See 37 CFR 1.84 (p)

- In Figure 2, it was noted that the newly added “Figure 2B” is shown in an inverted position from the originally presented format of the drawing, when the drawing was not given its own Figure number label.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. NOTE: The following objections to the specification were previously stated in the Office Action mailed January 25, 2005, but were not addressed in the reply filed April 25, 2005.

The disclosure is objected to because of the following informalities:

- Claim numbers are specifically referenced on pages 3 and 4 of the specification. Specific reference to claim numbers in the specification should be avoided since the actual scope of the individual claims may change during prosecution of the application prior to issue and publication of a patent granted from the application.
- On page 6 of the specification, under the "Brief Description of the Drawings", there is a description of a "Figure 12", however although a "Figure 12A" and a "Figure 12B" were submitted, which are subsequently described on page 6 of the specification, no "Figure 12" was submitted with the application papers. Further, on page 16, lines 4-6 of the specification, "Figure 12" is further discussed.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas, USPN 6,599,428, in view of Douglas, US Patent Application Publication No. 2002/0063089.

Douglas ('428) shows a water-activating shower apparatus comprising: a water-introduction pipe (20) (see Figure 1); a water-supply pipe (12) (see Figure 1); a faceted accommodation chamber (10) installed between the water-introduction pipe and the water-supply pipe, the accommodation chamber including a connecting portion with male and female screws (see Figure 3; and column 3, lines 23-25) and nets (26, 28) (see Figure 4; and column 3, lines 1-6); and an activated-water generating part (11) in the form of a shower filter cartridge being held within the accommodation chamber, the activated-water generating part being attached to a showerhead (13) via a pipe-connecting part (30, 12) (see Figures 1-3).

However, Douglas ('428) teaches filling the activated-water generating part with granular activated carbon (38) and/or granular copper media (34) and does not expressly disclose filling the activated-water generating part with a "large number" of ceramic materials. Further Douglas ('428) does not expressly disclose the faceted accommodation chamber to be made of a transparent member.

Douglas ('089) teaches several embodiments (see Figures 1-3) of activated-water generating filters, each of which include at least one region containing a large number of spherical or other geometrically-shaped ceramic beads (12) formed from media comprising "at least about 20% silica, about 15% aluminum, about 10% potassium and about 5% iron. Douglas ('089) further discloses that using a filter containing these ceramic materials as a shower filter

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cartridge, results in an improved chlorine reduction capability over shower filters without such ceramic materials (see paragraphs [0022] through [0041]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the shower filter cartridge taught by Douglas ('089) for the shower filter cartridge shown by Douglas ('428), in order to improve chlorine reduction of shower water.

Regarding the recitation that the accommodation chamber is made of a transparent member, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the accommodation chamber of Douglas ('428) from a transparent member, since the Examiner takes Official Notice that the use of transparent material for forming the accommodation chamber in lieu of the material(s) used in the Douglas ('428) reference solves no stated problem and would be an obvious matter of design choice within the skill in the art. *In re Kuhle*, 188 USPQ 7 (CCPA 1975).

Response to Arguments

7, Applicant's arguments as set forth on pages 8-10 of the "Remarks" section of the reply filed April 25, 2005 with regard to the rejection of claims 1, 3, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Douglas ('428) in view Douglas ('089) have been fully considered but they are not persuasive.

Specifically Applicant argues that claim 1, as amended to include a list of several ceramic materials, is now allowable over the cited prior art because the specific materials "TiO₂, CaO, Na₂O, MgO, and MnO₂" are not described in the applied references. However, as discussed in

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paragraph 6 of this Office Action, Douglas ('089) specifically teaches "silica, aluminum, potassium, and iron" as materials used in the formation of the ceramic beads, each of which are specifically listed in claim 1 as possible ceramic materials used, as affirmed in Applicant's specification on page 10, lines 7-9 and in Applicant's response on page 9, lines 26-28. Since Applicant's claim structure is in a format such that less than all of these ceramic materials must be found in the prior art in order to anticipate the claim, then clearly the combination of Douglas ('428) in view of Douglas ('089) anticipates the claim.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4901. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman
Examiner
Art Unit 3752

DWG 5/17/05
DWG
May 17, 2005


David A. Scherbel
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